

**NOT FOR PUBLICATION**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

_____	:	
JEAN EMMANUEL RODRIGUEZ,	:	
	:	Civil Action No. 14-6290(RMB)
Plaintiff,	:	
	:	
v.	:	<b>MEMORANDUM AND ORDER</b>
	:	
JOHN J. MILLER, et al.,	:	
	:	
Defendants.	:	
_____	:	

**BUMB**, District Judge:

On October 9, 2014, Defendants removed this civil rights action from state court to this Court. (ECF No. 1). On July 29, 2015, this Court administratively terminated the action upon Plaintiff's failure to explain in writing why he failed to appear at the July 2, 2015 in-person conference, as Ordered by the Honorable Karen Williams. (ECF No. 16.) Plaintiff was instructed that, if good cause was shown, this matter would be reinstated. (Id.)

This matter is now before the Court upon Plaintiff's letter request, explaining that he could not attend the July 2, 2015 hearing before Magistrate Judge Williams because he had been arrested, and asking whether proceedings in this matter can

continue while he is in pretrial incarceration. (ECF No. 17). For good cause shown, the Court will reopen this matter and proceedings may continue.

Plaintiff also requested that this Court provide him with the necessary forms to file a Petition for a Writ of Habeas Corpus, to challenge his present pretrial detention. A state prisoner can challenge pretrial state custody under 28 U.S.C. § 2241; however, the petitioner must ordinarily exhaust his state court remedies prior to filing for federal habeas relief. See Moore v. DeYoung, 515 F.2d 437, 443 (3d Cir. 1975) (federal court should not exercise habeas jurisdiction at pre-trial stage absent extraordinary circumstances.) If Plaintiff chooses to file a habeas petition, he must open a separate matter in this Court.

Plaintiff made two additional requests. First, he asks that this Court notify the Grand Jury Transcriber in Atlantic County Superior Court of his pro se status in this Court. This case is of public record, and Plaintiff may provide the case number to any interested person.

Second, Plaintiff stated he is attempting to have the current state criminal case against him removed to federal court so he is not coerced into taking a guilty plea, and he wished to notify this Court and defense counsel. This Court does not have

subject matter jurisdiction over the state criminal charge against Plaintiff.

IT IS therefore, on this 21st day of August 2015,

ORDERED that upon good cause shown, the Clerk shall reopen this matter for further proceedings; and it is further

ORDERED that the Clerk shall serve this Memorandum and Order upon Plaintiff by regular U.S. Mail, together with blank forms, "Prisoner Applying To Proceed In Forma Pauperis In A Habeas Corpus Case" and "Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241."

Renée Marie Bumb  
RENÉE MARIE BUMB  
United States District Judge